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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

08/07/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tammy@ppglaw.com

Office Action Summary	Application No. 10/551,892	Applicant(s) PALENIUS ET AL.	
	Examiner CHARLES SHEDRICK	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 105513 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Jokinen et al., WO/0237868, hereinafter, “**Jokinen**”.

Consider **claims 1 and 12**, Jokinen teaches a method and portable radio communication Apparatus (**i.e., Claims 1 and 12 are directed towards identical subject matter**) for measurement event synchronization of a portable radio communication apparatus providing multiple radio access technologies, comprising the steps of: identifying an idle gap between transceiver activities of a first radio access technology device (**e.g., see at least page 25 lines 19-24**), and sending an execute signal to a second radio access technology device for initiating inter radio access technology measurements of said second radio access technology device to be performed during said gap(**i.e., intersystem handover procedure as described on page 14 line 25- page 16 line 2**).

Consider **claim 13 and as applied to claim 12**, Jokinen teaches wherein said first and second radio access technology devices have common radio resource means for said inter radio access technology measurements (**i.e., common resources to negotiate handoff as described on page 14 line 25- page 16 line 2**).

Consider **claim 14 and as applied to claim 12**, Jokinen teaches wherein said first radio access technology device is a GSM based radio access technology device and said second radio access technology device is a WCDMA radio access technology device(**page 14 line 25- page 16 line 2**).

Consider **claim 15 and as applied to claim 12**, Jokinen teaches wherein said first radio access technology device is a WCDMA based radio access technology device and said second radio access technology device is a GSM radio access technology device (**page 14 line 25- page 16 line 2**).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jokinen et al., WO/0237868, hereinafter, “**Jokinen**” in view of Breuer et al. WO 02/39758, hereinafter, “**Breuer**”

Consider **claim 2 and as applied to claim 1**, Jokinen teaches the claimed invention except specifically wherein said execute signal is sent at the beginning of said gap.

However, in Analogous art, Breuer teaches wherein said execute signal is sent at the beginning of said gap (**i.e., based on parameter of time interval**) (e.g., see **page 1 line 20- page 2 line 6, page 2 line 25 - page 3 line 34, page 4 line 17 - page 5 line 14, page 7 line 23 - page 9 line 6**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jokinen to include Breuer for the purpose of improving intersystem Handover

Consider **claim 3 and as applied to claim 1**, Jokinen teaches the claimed invention except specifically wherein said execute signal is sent at a specified period before said gap.

However, in Analogous art, Breuer teaches wherein said execute signal is sent at a specified period before said gap (**i.e., based on parameter of time interval**) (e.g., see **page 1 line 20- page 2 line 6, page 2 line 25 - page 3 line 34, page 4 line 17 - page 5 line 14, page 7 line 23 - page 9 line 6**)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jokinen to include Breuer for the purpose of improving intersystem Handover

Consider **claim 4 and as applied to claim 1**, Jokinen teaches the claimed invention except specifically comprising, before the step of sending an execute signal, the additional step of: sending a prepare signal to said second radio access technology device for information about

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an upcoming gap available for inter radio access technology measurements of said second radio access technology device.

However, in Analogous art, Breuer teaches before the step of sending an execute signal, the additional step of: sending a prepare signal to said second radio access technology device for information about an upcoming gap available for inter radio access technology measurements of said second radio access technology device(**i.e., timeslot indication**) (e.g., see **page 1 line 20- page 2 line 6, page 2 line 25 - page 3 line 34, page 4 line 17 - page 5 line 14, page 7 line 23 - page 9 line 6**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jokinen to include Breuer for the purpose of improving intersystem Handover

Consider **claim 5 and as applied to claim 4**, Jokinen teaches the claimed invention except specifically comprising the further step of: preparing said second radio access technology device for performing said inter radio access technology measurements.

However, in Analogous art, Breuer teaches the claimed invention comprising the further step of: preparing said second radio access technology device for performing said inter radio access technology measurements (**i.e., transmitting parameters to aid in intersystem handoff decisions**) (e.g., see **page 1 line 20- page 2 line 6, page 2 line 25 - page 3 line 34, page 4 line 17 - page 5 line 14, page 7 line 23 - page 9 line 6**)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jokinen to include Breuer for the purpose of improving intersystem Handover

Consider **claim 6 and as applied to claim 5**, Jokinen teaches the claimed invention except specifically wherein said step of preparing said second radio access technology device comprises the step of: bringing said second radio access technology device out of a low-power consuming state.

However, in Analogous art, Breuer teaches wherein said step of preparing said second radio access technology device comprises the step of: bringing said second radio access technology device out of a low-power consuming state (**i.e., the power is adjusted based on mode e.g., compressed mode**) (e.g., see page 1 line 20- page 2 line 6, page 2 line 25 - page 3 line 34, page 4 line 17 - page 5 line 14, page 7 line 23 - page 9 line 6)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jokinen to include Breuer for the purpose of improving intersystem Handover

Consider **claim 7 and as applied to claim 5**, Jokinen teaches the claimed invention except specifically wherein said prepare signal includes information about the estimated length of said gap.

However, in Analogous art, Breuer teaches wherein said prepare signal includes information about the estimated length of said gap (**i.e., based on parameter of time interval**) (e.g., see page 1 line 20- page 2 line 6, page 2 line 25 - page 3 line 34, page 4 line 17 - page 5 line 14, page 7 line 23 - page 9 line 6)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jokinen to include Breuer for the purpose of improving intersystem Handover

Consider **claim 8 and as applied to claim 7**, Jokinen teaches the claimed invention except specifically wherein said step of preparing said second radio access technology device comprises the step of: determining whether inter radio access technology measurements are possible during the next gap, based on information about the estimated length of said gap.

However, in Analogous art, Breuer teaches wherein said step of preparing said second radio access technology device comprises the step of: determining whether inter radio access technology measurements are possible during the next gap, based on information about the estimated length of said gap(e.g., see **page 1 line 20- page 2 line 6, page 2 line 25 - page 3 line 34, page 4 line 17 - page 5 line 14, page 7 line 23 - page 9 line 6**)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jokinen to include Breuer for the purpose of improving intersystem Handover

Consider **claim 9 and as applied to claim 1**, Jokinen teaches the claimed invention except specifically wherein said execute signal includes information about the estimated length of said gap.

However, in Analogous art, Breuer teaches wherein said execute signal includes information about the estimated length of said gap (**i.e., based on parameter of time interval**) (e.g., see **page 1 line 20- page 2 line 6, page 2 line 25 - page 3 line 34, page 4 line 17 - page 5 line 14, page 7 line 23 - page 9 line 6**)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jokinen to include Breuer for the purpose of improving intersystem Handover

Consider **claim 10 and as applied to claim 1**, Jokinen teaches the claimed invention except specifically wherein the step of identifying an idle gap is performed between transceiver activities of a GSM based first radio access technology device and said execute signal is sent to a WCDMA based second radio access technology device for initiating inter radio access technology measurements of said WCDMA based second radio access technology device to be performed during said gap.

However, in Analogous art, Breuer teaches wherein the step of identifying an idle gap is performed between transceiver activities of a GSM based first radio access technology device and said execute signal is sent to a WCDMA based second radio access technology device for initiating inter radio access technology measurements of said WCDMA based second radio access technology device to be performed during said gap(e.g., see **page 1 line 20- page 2 line 6, page 2 line 25 - page 3 line 34, page 4 line 17 - page 5 line 14, page 7 line 23 - page 9 line 6**)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jokinen to include Breuer for the purpose of improving intersystem Handover.

Consider **claim 11 and as applied to claim 1**, Jokinen teaches the claimed invention except specifically wherein the step of identifying an idle gap is performed between transceiver activities of a WCDMA based first radio access technology device and said execute signal is sent to a GSM based second radio access technology device for initiating inter radio access technology measurements of said GSM based second radio access technology device to be performed during said gap.

However, in Analogous art, Breuer teaches wherein the step of identifying an idle gap is performed between transceiver activities of a WCDMA based first radio access technology device and said execute signal is sent to a GSM based second radio access technology device for initiating inter radio access technology measurements of said GSM based second radio access technology device to be performed during said gap(e.g., see **page 1 line 20- page 2 line 6, page 2 line 25 - page 3 line 34, page 4 line 17 - page 5 line 14, page 7 line 23 - page 9 line 6**)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Jokinen to include Breuer for the purpose of improving intersystem Handover.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Paul Harper can be reached on (571)-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Charles Shedrick/
Examiner, Art Unit 2617
July 31, 2008